

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

A.I.J.J. ENTERPRISES, INC.,

Plaintiff,

v.

LF STORES, CORP.; LF STORES NEW
YORK, INC. and LIPSY LTD.,

Defendants.

Civil Action No. 07 CV 10511 (SAS)

ECF CASE

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16 (b) on January 16, 2008 (the "Order"); and

WHEREAS the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

1) The date of the conference and the appearances for the parties:

Conference date: January 29, 2008 at 4:30 p.m.

Counsel for A.I.J.J. Enterprises, Inc. ("A.I.J.J."):

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2) A concise statement of the issues as they appear:

A.I.J.J. has asserted claims of trademark infringement and unfair competition under the Lanham Act, 15 U.S.C. § 1051 et seq., and related state law claims based on defendants' importation and sale of clothing bearing A.I.J.J.'s federally registered LIPSY mark. Lipsy Ltd. has asserted counterclaims base on its asserted prior and superior rights, seeking declarations of non-infringement and the invalidity of A.I.J.J.'s federal registration for LIPSY and raising allegations of false designation of origin under the Lanham Act and related state law claims based on A.I.J.J.'s sale of clothing bearing the LIPSY mark.

3) A schedule

a) Initial Disclosures shall be made by February 28, 2008. ¹⁹

b) Additional parties shall be joined by June 1, 2008. ^{Doc. Rel. 3/4 Resp. 4/4}

c) Persons to be deposed and a schedule of planned depositions

A.I.J.J. plans to take the following depositions:

CEO of Lipsy Ltd.

Lipsy Ltd. (Rule 30 (b)(6))

LF Stores Corp. (Rule 30 (b)(6))

LF Stores New York, Inc. (Rule 30 (b)(6))

Such other parties as may be identified by defendants in their Initial Disclosures or subsequent discovery and such non-parties whose identities become known in discovery or whose depositions are necessary.

Lipsy Ltd. plans to take the following depositions:

Joseph Chehebar

A.I.J.J. Enterprises, Inc. (Rule 30 (b)(6))

Such other parties as may be identified by plaintiff in its Initial Disclosures or subsequent discovery and such non-parties whose identities become known in discovery or whose depositions are necessary.

LF Stores Corp. plans to take the following depositions:

Joseph Chehebar

A.I.J.J. Enterprises, Inc. (Rule 30 (b)(6))

Such other parties as may be identified by plaintiff in its Initial Disclosures or subsequent discovery and such non-parties whose identities become known in discovery or whose depositions are necessary.

LF Stores New York, Inc. plans to take the following depositions:

Joseph Chehebar

APRIL
MAY
JUNE
JULY

A.I.J.J. Enterprises, Inc. (Rule 30 (b)(6))

Such other parties as may be identified by plaintiff in its Initial Disclosures or subsequent discovery and such non-parties whose identities become known in discovery or whose depositions are necessary.

The parties will schedule depositions at a mutually agreeable time and place.

d) Expert reports to be served by party with burden of proof by ~~October~~ *Aug 22*

e) Expert rebuttal reports to be served by November 15, 2008 *Sept*

f) Expert depositions to be completed by November 30, 2008. *Oct 17*

g) Fact discovery to be completed by November 1, 2008. *July 30*

h) Motions for summary judgment to be filed no later than January 15, 2009. *Oct 31*

i) Plaintiff to supply its pre-trial order matters to defendants by January 15, 2009 if no motion for summary judgment is pending; if a motion for summary judgment is pending, plaintiff to supply its pre-trial order matters to defendants thirty (30) days after the court decides the motion for summary judgment.

j) Parties to submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a trial by February 28, 2009 if no motion for summary judgment is pending and, if a motion for summary judgment is pending, ~~sixty (60) days after the motion for summary judgment is decided.~~ *Nov. 17, 2008*

k) Final pre-trial conference pursuant to Fed. R. Civ. P. 16 (d) to be held on *Aug 7 at 4:30*

4) A statement of any limitations to be placed on discovery, including any protective or confidentiality order:

The parties anticipate submitting a negotiated protective order governing confidential documents to the court.

5) A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement:

None at this time.

6) Anticipated fields of expert testimony:

*longer
TM application
15, 2008.*

A.I.J.J. anticipates expert testimony on the issues of damages, trademark prosecution before the PTO and past and present consumer behavior.

Lipsy Ltd. anticipates expert testimony on the issues of damages, proper trademark prosecution procedure before the PTO and consumer behavior.

LF Stores Corp. anticipates expert testimony on the issues of damages, proper trademark prosecution procedure before the PTO and consumer behavior.

LF Stores New York, Inc. anticipates expert testimony on the issues of damages, proper trademark prosecution procedure before the PTO and consumer behavior.

7) Anticipated length of trial and whether to court or jury:

The trial in this action is to a jury.

A.I.J.J. anticipates the trial of this action lasting 3 days.

Lipsy Ltd. anticipates the trial of this action lasting 3 days.

LF Stores Corp. anticipates the trial of this action lasting 3 days.

LF Stores New York, Inc. anticipates the trial of this action lasting 3 days.

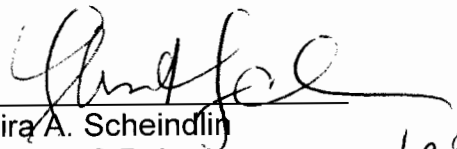
8) This scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

GOTTLIEB, RACKMAN & REISMAN, P.C. KANE KESSLER, P.C.

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SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

1/29/08